

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10cv440

KEVIN ALAN JUDGE,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b><u>O R D E R</u></b>
	)	
HERBERT JACKSON, Supt.,	)	
	)	
	)	
Respondent.	)	
	)	

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**THIS MATTER** is before the Court upon Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1), filed September 2, 2010.

On July 2, 1998, after a trial by jury in the Mecklenburg County Superior Court, Petitioner was convicted of First Degree Kidnapping and Second Degree Rape. Petitioner filed a direct appeal with the North Carolina Court of Appeals which was denied on or about July 20, 1999. In the meantime, on August 10, 1998, Petitioner filed a Motion for Appropriate Relief (MAR) which was dismissed on September 3, 1998, because his direct appeal was still pending. Petitioner did not file a petition for writ of certiorari. From June 8, 2006, through January 19, 2010, Petitioner filed various motions in the state trial and appellate courts. On September 2, 2010, Petitioner filed the instant federal habeas petition. After conducting an initial review of Petitioner's federal habeas petition, this Court concluded that Petitioner's federal habeas petition appeared to be untimely. Upon making such a determination, in accordance with the law of this Circuit, this Court issued a

Hill<sup>1</sup> notice ordering Petitioner within twenty days to set forth why his federal habeas petition should be deemed timely filed. (Doc. No. 3.) Twenty-five days have passed and no response has been filed. For the reasons set forth in this Court's Hill notice, Petitioner's Petition for a Writ of Habeas Corpus will be dismissed as untimely.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DISMISSED** as untimely.

Signed: October 7, 2010

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  


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<sup>1</sup> Hill v. Braxton, 277 F.3d 701, 706 (4<sup>th</sup> Cir. 2002).